

William Bailey, Jr., John Brosnahan,  
Gerald Goldberg, Robert Pitulski, and  
Robert Pollice,  
  
Plaintiffs,  
  
vs.  
  
Viacom, Inc., successor by merger to  
CBS Corporation, formerly  
known as Westinghouse Electric  
Corporation,  
  
Defendant.

AMBROSE, District Judge

Defendant has filed a Motion to Strike Plaintiffs' Undisclosed "Expert" Evidence. See Docket No. [108]. Plaintiffs oppose the Motion. See Docket No. [112]. The parties' arguments mirror those set forth by the parties in the Albright v. Viacom, 4-609 (W.D. Pa) litigation. For that reason, I adopt my ruling set forth in my Opinion and Order granting the Defendant's Motion to Strike in Albright v. Viacom, 4-609 (W.D. Pa.). Specifically, as in the Albright litigation, here the Plaintiffs blatantly disregarded pretrial discovery orders regarding the identification of experts; I have previously excluded all statistical evidence about which any such expert could testify; and the procedural posture of this case precludes the re-opening of discovery. Additionally, the Defendant would suffer

prejudice were the Motion denied and Plaintiffs permitted to utilize Mann as an expert. The Defendant would suffer harm in the nature of the additional time it would take to resolve this case and the additional expense necessary to conduct further discovery and retain an expert to address Mann's contentions.

Accordingly, on this 24th day of June, 2010, the Defendant's Motion to Strike (Docket No. [108]) is GRANTED.

BY THE COURT:

/s/Donetta W. Ambrose  
Donetta W. Ambrose,  
U.S. District Judge